

16639

NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI
Commission on Environmental Quality
Department of Environmental Quality
Office of Land and Water



Mississippi Commission on Environmental Quality
c/o Theodore D. Lampton III, Senior Attorney
Department of Environmental Quality
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Specific Legal Authority Authorizing the promulgation of Rule:

Miss. Code Ann. Section 51-3-25 (Rev. 2003), and Miss. Code Ann. § 49-2-9(1) (Rev. 2003).

Reference to Rules repealed, amended or suspended by the Proposed Rule : Amends State of Mississippi Surface Water and Groundwater Use and Protection regulations (Commission on Environmental Quality Regulation LW-2).

Date Rule Proposed: October 21, 2009

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: The purpose of the amendment to the State of Mississippi Surface Water and Groundwater Use and Protection regulations (Commission Regulation LW-2) is to prohibit the drilling of a groundwater well or the placement of a surface water intake until an appropriate groundwater or surface water use permit has been issued by the Permit Board. The amendment also removes the requirement that applications for water use permits be notarized.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☒ An oral proceeding was held on this rule:

Date: November 30, 2009

Time: 5:00 p.m.

Place: Commission Hearing Room on the First floor of MDEQ Offices located at 515 E. Amite St., Jackson, MS 39201

☐ An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

☒ This rule as adopted is without variance from the proposed rule.

☐ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed rule. The differences however are:

Within the scope of the matter in the notice of proposed rule adoption,

The logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted response thereto, and

The Notice of Proposed rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: Adopted December 10, 2009
Effective 30 days after filing

Ted Lampton 12/17/2009

Theodore D. Lampton III
Senior Attorney